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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

**In re H.X., a Person Coming Under the
Juvenile Court Law.**

**ALAMEDA COUNTY SOCIAL
SERVICES AGENCY,**

Plaintiff and Respondent,

v.

J.X. et al.,

Defendants and Appellants.

A146115

**(Alameda County
Super. Ct. No. OJ12019164)**

J.X. (father) and D.S. (mother, collectively parents) appeal from a juvenile court order terminating their parental rights as to H.X. (minor) following a Welfare and Institutions Code section 366.26 hearing (.26 hearing).¹ Parents raise numerous claims, none of which are persuasive. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

This case has a lengthy history and we provide only a brief outline of the factual and procedural background. We judicially notice our opinion in parents' prior appeal and

¹ Unless noted, all further statutory references are to Welfare and Institutions Code.

incorporate the factual summary from that opinion. (*In re H.X.* (Nov. 5, 2015, A141556) [nonpub.opn.].) (Evid. Code, §§ 452, 459.)

Detention, Jurisdiction, and Disposition

In 2012, the Alameda County Social Services Agency (Agency) removed the six-year-old minor from parental custody and filed, and later amended, a section 300 petition alleging parents failed to protect the minor and caused her serious emotional damage. The court detained the minor. In April 2013, the court suspended visitation and ordered parents to stay at least 100 yards away from the minor. That same month, the Agency filed and amended a section 342 subsequent petition alleging parents' paranoid and delusional behavior placed the minor at risk.

In April 2014, the court rendered jurisdictional and dispositional findings on the section 342 petition. The court opined parents "are 'engaged in delusional speech and behavior'" and they caused the minor "physical trauma" and "emotional harm" based on their "untreated and undiagnosed . . . mental health issues." The court removed the minor from parental custody and ordered six months of reunification services. Parents appealed from the April 2014 order and we affirmed. (*In re H.X.*, *supra*, A141556.)

Section 388 Petition and Restraining Order

In June 2014, mother approached the minor at school and attempted to kidnap her. Parents were arrested and charged with, among other things, attempted kidnapping (Pen. Code, §§ 664, 207) and violation of a court order (Pen. Code, § 166, subd. (a)(4)). Shortly thereafter, the minor's counsel filed a restraining order request. Following a June 2014 hearing, the court issued a three-year restraining order prohibiting parents from contacting the minor.

In June 2014, the Agency filed a section 388 petition (form JV-180) requesting the court terminate reunification services and set a .26 hearing. The Agency argued parents had not participated in their case plan and had attempted to kidnap the minor. According to the Agency, parents refused to engage in services: they had not completed a court-ordered psychological evaluation, they refused to cooperate with the Agency, and they had not completed a parenting course.

In July and September 2014 status review reports, the Agency recommended terminating reunification services and setting a .26 hearing. In its June 2014 report, the Agency described the minor's weekly phone calls with parents and noted the minor was upset after those calls. The Agency's September 2014 report described parents' refusal to engage in reunification services. In January 2015, the court denied parents' "Motion to Dismiss, to Set Aside Jurisdictional Order and Return Minor to Parent[s]."

At the conclusion of a March 2015 hearing, the court granted the Agency's section 388 petition, concluding the Agency made "reasonable efforts" to return the minor to parental custody and had provided parents with "[r]easonable services[.]" The court also determined parents had made no progress in "alleviating or mitigating the causes necessitating" the minor's out-of-home placement. The court terminated reunification services and set a .26 hearing.

The .26 Hearing

In its .26 report, the Agency recommended terminating parental rights and freeing the minor "for the permanent plan of adoption." The Agency noted the minor was likely to be adopted and that she had "no contact" with parents and did "not want contact" with them. Parents filed two declarations, including one regarding the Agency's purported "Kidnapping and Human Trafficking Crimes." Parents requested the court stay the .26 hearing and return the minor to them, but they did not appear at the .26 hearing. At the conclusion of the .26 hearing in August 2015, the court denied parents' stay request and terminated their parental rights. Among other things, the court concluded the Agency "complied with the case plan" and had offered "[r]easonable services[.]"

DISCUSSION

Parents challenge the order terminating their parents rights on various grounds.² First, parents contend the court "engaged in insurrection and rebellion" in violation of

² As they did in their prior appeal, parents challenge the minor's removal and detention, and the court's jurisdictional and dispositional findings on the section 342 petition. We rejected these claims in parents' prior appeal and we do not revisit them here. (*In re H.X.*, *supra*, A141556.) We reject parents' claim that the Agency and the

the federal Constitution. Parents' claim consists of hyperbolic attacks on the juvenile court judge and the Agency, unsupported by the record or meaningful legal or factual analysis. These "personal attacks are inexcusable" and we admonish parents. (*Fink v. Shemtov* (2010) 180 Cal.App.4th 1160, 1176.)

Next, parents claim the court "illegally imposed 'court-appointed'" counsel on them and the minor. This argument fails for at least two reasons. First, this claim is waived because it is premised almost entirely on proceedings occurring before April 2014 and could have been raised in parents' prior appeal. (*People v. Senior* (1995) 33 Cal.App.4th 531, 534 [applying waiver doctrine to "belated claim of error" where the defendant had the opportunity to raise the issue in prior appeals, "but failed to do so"]; *In re Jesse W.* (2001) 93 Cal.App.4th 349, 355 [new arguments not presented in prior appeal barred by waiver rule].) Second, parents represented themselves throughout the majority of the dependency; on appeal, they have not demonstrated prejudice from the court's purported failure to allow them to represent themselves. (See *In re Angel W.* (2001) 93 Cal.App.4th 1074, 1085.)

Parents' final claim is the court erred by terminating their parental rights because the Agency did not provide "efforts or services" as required by section 366.26, subdivision (c)(2)(A). Under that statute, a "court shall not terminate parental rights if: [¶] . . . At each hearing at which the court was required to consider reasonable efforts or services, the court has found that reasonable efforts were not made or that reasonable services were not offered or provided." (§ 366.26, subd. (c)(2)(A).) When the court terminated parental rights, it determined the Agency had made reasonable efforts and offered reasonable services; it made a similar finding at every other hearing where required to do so. Substantial evidence supports this finding. (*In re T.G.* (2010) 188 Cal.App.4th 687, 697.) The record demonstrates the Agency ""identified the problems leading to the loss of custody, offered services designed to remedy those problems,

juvenile court somehow violated their federal constitutional rights in their criminal case. Parents have appealed from the order terminating parental rights; the proceedings in their criminal case are not at issue here.

maintained reasonable contact with the parents during the course of the service plan, and made reasonable efforts to assist the parents in areas where compliance proved difficult. . . .” [Citation.]” (Id. at p. 697, quoting *Amanda H. v. Superior Court* (2008) 166 Cal.App.4th 1340, 1345.) Parents refused to participate in services. The court properly terminated parental rights.

DISPOSITION

The order terminating parental rights is affirmed.

Jones, P.J.

We concur:

Simons, J.

Bruiniers, J.